

Docket: 2890 (203-3438)

<u>IN THE UNITED STATES PATENT AND TRADEMARK OFFICE</u>

APPLICANT(S):

Sartor et al.

EXAMINER:

Michael F. Peffley

SERIAL NO.:

10/781,084

GROUP:

Art Unit 3762

FILED:

February 17, 2004

DATED:

June 29, 2006

TITLE:

MOTION DETECTOR FOR CONTROLLING

ELECTROSURGICAL OUTPUT

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

FOURTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to Applicant(s) duty of disclosure, the information listed in the attached form PTO/SB/08A is brought to the attention of the Examiner. Copies of the U.S. patent documents are not provided in accordance with the waiver of that requirement under 37 C.F.R. §1.98.

The citation of the listed items is not a representation that they constitute a complete or exhaustive listing of the relevant art or that the references are prior art. The items listed are submitted in good faith, but are not intended to substitute for the Examiner's search. It is hoped, however, that in addition to apprising the Examiner of these particular items, they will assist in identifying fields of search and in making as full and complete a search as possible.

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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Dated: June 29, 2006

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The filing of this information disclosure statement is not an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

| [] months | This information disclosure statement is being filed within three (3) s of the filing date of this application. | | | | |
|--------------|---|--|--|--|--|
| | This information disclosure statement is being filed within three (3) s of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in mational application. | | | | |
| | [] To the best of Applicant(s) knowledge, this information disclosure statement is being filed before the date of mailing of a first Office Action on the merits in connection with this case. | | | | |
| [] | Enclosed herewith is a certificate under 37 C.F.R. §1.97(e)(1). | | | | |
| [] | Enclosed herewith is a petition under 37 C.F.R. §1.97(d)(2). | | | | |
| [] | Enclosed by check is the petition fee of \$130.00. (37 C.F.R. §1.17(i)(1)) | | | | |
| [] | Please charge the \$130.00 petition fee to Deposit Account No. <u>21-0550</u> . | | | | |
| [] | Enclosed by check is the \$180.00 fee required by 37 C.F.R. §1.17(p). | | | | |
| [X] Accou | Please charge the \$180.00 fee required by 37 C.F.R. §1.17(p) to Deposit nt No. <u>21-0550</u> . | | | | |

[X] Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. §1.16 and/or 1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account 21-0550. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. 21-0550 therefor.

The claims of the application as now presented are believed to patentably distinguish over the prior art and to be in condition for allowance. Early and favorable consideration of the case is respectfully requested.

Respectfully submitted,

Francesco Sardone Reg. No.: 47,918

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FS/nr

PTO/SB/08a (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

| Sheet | 1 | of | 1 |
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| Comp | lete if Known |
|------------------------|--------------------|
| Application Number | 10/781,084 |
| Filing Date | February 17, 2004 |
| First Named Inventor | Sartor, et al |
| Art Unit | 3762 |
| Examiner Name | Michael F. Peffley |
| Attorney Docket Number | 2890 (203-3438) |

| | | U.S. P | ATENT DOCUMENTS | WITHOUT REFERENCES | |
|-----------------------|--|--|--|---|------------------------------|
| Examiner Initials* | Cite | Document Number | Publication Date | Name of Patentee or | Pages, Columns, Lines, Where |
| | No.1 | No.1 Number-Kind Code ^{2 (f known}) MM-DD-YYYY | Applicant of Cited Document | Relevant Passages or Relevant Figures Appear | |
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| FOREIGN PATENT DOCUMENTS WITH REFERENCES | | | | | | |
|--|--------------------------|---|--------------------------------|--|---|----|
| Examiner Initials* | Cite No. ¹ | Foreign Patent Document Country Code ³ Number ⁴ Kind Code ⁵ (<i>if known</i>) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T⁵ |
| | | EP 0 082 945 A1 | | Ellman et al. | | |
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| Examiner | Date Considered |
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Examiner: Initial if citation considered, whether or nor citation is in conformance with MPEP \$609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.